REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application.

Claims 12-16, 27-30, 35-39 and 42-59 are now pending in this application. Claims 12, 27, 36, 44, 49 and 55 are independent. Claims 12, 27, 36, 44, 49, 50 and 55 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

Rejection Under 35 U.S.C § 103

Applicant notes with appreciate that the Examiner has withdrawn the previous rejection under 35 U.S.C § 103(a), applying Behr et al. (U.S. Patent 5,543,789) in view of Funk (U.S. Patent 5,793,497).

Rejection Under 35 U.S.C § 102

Claims 12-16, 27-30 and 35-59 stand rejected under 36 USC 102(e) as being anticipated by Bruce et al. (U.S. Patent 6,765,998, hereinafter referred to as "Bruce"). This rejection is respectfully traversed.

Applicant appreciates that the Bruce reference is the most relevant reference uncovered by the Examiner to date. However, Applicant strongly

asserts that the present invention, as claimed, patentably defines over Bruce for the reasons advanced below.

The Present Invention

The entire "Background of the Invention" section of the present application is reproduced immediately below, with emphasis added to certain sections thereof.

> An individual often needs information at times when it is difficult or impossible to access or **when the individual is not in a position to record the information**. For example, a driver in his car may become lost and need driving directions, or be traveling in an unfamiliar area. Many paper maps do not have sufficient detail for point-to-point navigation. Further, even if the driver contacts a person with needed directions, **the driver would have to record such directions manually or rely on his memory**, either of which can be difficult when the directions are complex. In addition, there is no assurance that the directions are accurate.
>
> Accordingly, it would be beneficial to provide a system and method for **delivering** accurate **driving directions to a user's** pager or Person Communication System ("PCS") digital **phone messenger or voice mail system** upon request of the user.

The application made it clear from the start that it is often difficult for an individual to "record" information, such as driving directions, while they are driving. Heretofore, the driver, receiving driving direction while driving, either had to record the driving directions or "rely on his own memory." Either task is difficult when the driving directions are complex. Therefore, the present invention provided that the driving directions would be sent to THE USER'S "phone messenger or voice mail system."

The present invention offers a real, substantial and patentable advantage over the state of the art, in that the user no longer needs to record (e.g. transcribe the directions to paper) while driving (a dangerous situation) or memorize the driving directions (often impossible when the directions are complex). Rather by the present invention, the driving directions are stored in the user's voice mailbox, and the user can easily call that voice mailbox (often by pressing a single button on their cell phone or a simple voice command) and retrieve the driving directions whenever, and as often as, needed during the course of the trip.

For example, in a long journey from Washington D.C. to Niagara Falls, the user could access driving directions sent to their voice mailbox and need only remember the first portion, or leg, of the driving directions, such as "merge north onto Interstate 81 from west bound Interstate 66." After, the transition from I66 to I81 is completed, the user would again call their voice mailbox and need only remember the next leg of the journey, such as take exit 262 onto west bound 221, and so forth. By the present invention, there is no need on the part of the user to write down the long list of driving directions recorded in their voice mailbox the first time they access the driving directions. Further, there is no need to memorize a long list of driving directions, since the voice mail message containing the driving directions is stored in the user's personal voice mail system and can be quickly and easily accessed at the convenience of the user multiple times.

Bruce (U.S. Patent 6,765,998)

Bruce fails to show or suggest a method or apparatus, as claimed. Bruce does not send driving directions to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions. Rather, Bruce creates a temporary "voice mail message," which can be played, paused, rewound, etc. to make it easier for the person desiring travel directions to write the travel directions down on paper. Hence, the Bruce system could lead to the dangerous situation of a person driving while listening to directions on a cell phone and writing those directions down on paper.

Bruce is addressing a specific problem in the background art. In col. 1, line 66 through col. 2, line 4, Bruce states:

> [T]he retrieval of driving directions over the telephone requires a live operator to relay the driving instructions to the caller. ***The caller must transcribe each sequence of the driving directions*** while the operator waits on the telephone, thus ***reducing the productivity of the operator***.

Bruce's solution and contribution to the art is not to relieve the caller from the dangerous transcription process, but rather to relieve the operator from the costly wait on the line, while the caller transcribes the driving directions. In col. 15, lines 31-34, Bruce states:

> [An] interactive user interface also improves the productivity of the operator console by allowing the operator to pass the caller off to the interactive user interface and move on to handle the next caller.

Hence, Bruce provides a temporary "voice mail message," referred to as an "interactive user interface," and described in particular detail in cols. 10-14, which supplies the driving directions to the user. The interactive interface allows the user to stop, start, pause, review and skip through step-by-step instructions "such that ***the user can listen and record*** the instructions or listen and pause the instructions while they are actually driving the route." See col. 3, lines 11-13.

Of course, if the instructions were for a trip requiring several turns or an extended time (more then a few minutes), the user ***must*** remember or record the directions, i.e. transcribe the directions onto a piece of paper. Since the pause feature of the interface lasts on a few seconds (col. 11, line 36), it would not be possible, feasible or cost effective to hold the voice mail "open" for hours on end. If the directions were for a short trip/time (less than a few minutes), the user could continually use the pause command and be able to drive while listening to the directions.

There is no showing or suggestion in Bruce that the "voice mail message" would be stored in a voice mailbox. There is particularly no showing or suggestion in Bruce that the voice mailbox would correspond to a telephone number of a voice mail system associated with the person desiring travel directions. In Bruce, after the caller hangs up, there appears to be no way of returning to the travel directions for later review. The "voice mail message"

containing the directions is simply not stored. Rather, the caller would need to re-supply all of the addresses again and wait for a new route calculation and interactive "voice mail message" to be created before being able to revisit the driving directions.

Application of Law to the Facts

In the Office Action mailed April 21, 2005 on page 2, in lines 23-24, the Examiner stated that since the driving directions are received via a "voice mail message" that it was inherent that there was voice mailbox identification information being processed by the Bruce system. Applicant respectfully disagrees. The "voice mail message" of Bruce is a temporary interface. Bruce does not receive or process any voice mailbox identification information. Bruce does not send the "voice mail message" to any mailbox identified by voice mailbox information, and most certainly does not send the message to a voice mailbox associated with the telephone number of the caller.

It is evident that the "voice mail message" never leaves the operator system where it was generated, since the user always has the option of returning to the live operator by pressing the "0" key. See col. 10, line 44 and col. 12, lines 20-22. It is actually inherent based upon this fact of the Bruce disclosure that the message is not being recorded into the voice mailbox corresponding to the callers telephone number.

Although in one instance, the Bruce reference mentions a "voice mail message" (col. 2, line 65), that phrase must be interpreted in light of the entire disclosure of Bruce. The Examiner may not pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc., 796 F.2d 443, 448, 230 USPQ 416, 419 (Fed. Cir. 1986), cert. denied, 484 U.S. 823 (1987) and In re Kamm, 452 F.2d 1052,1057, 172 USPQ 298, 301-2 (CCPA 1972).

If the Examiner believes that a personal interview would assist in the prosecution, the Examiner is asked to please contact the undersigned.

The rejected dependent claims depend either directly or indirectly upon the independent claims addressed above. These dependent claims are patentable for at least the same reasons as the independent claims, and also for the specific structural features and method steps recited therein.

For the reasons as stated above, reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and as such, the present application is in condition for allowance.

Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a two month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of $450.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 50-1602 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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